

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PAUL McTAGGART,

Plaintiff,

v.

ACE AMERICAN INSURANCE COMPANY,

Defendant.

Case No.: 12-1293

**NOTICE OF REMOVAL**

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT IN AND FOR THE  
WESTERN DISTRICT OF WASHINGTON

Please take notice that defendant ACE American Insurance Company ("ACE American") hereby removes to this Court the state court action described below under 28 U.S.C. § 1441(a) on the basis of Federal matter jurisdiction, based on the following:

1. ACE American is the sole defendant in a civil action filed in the Superior Court of Washington, in and for King County, styled *Paul McTaggart v. ACE American Insurance Company*, case number 12-2-22924-4 SEA (the "state court action").

2. The state court action was commenced on July 5, 2012, when that action was filed with the Clerk of the Superior Court for King County. A copy of that complaint is attached as part of Exhibit A to the Declaration of Rodney Q. Fonda. In addition to the complaint, a complete copy of all documents filed in the state court proceeding as of the date

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441  
(B) (DIVERSITY) - 1

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LAW OFFICES OF  
**COZEN O'CONNOR**  
A PROFESSIONAL CORPORATION  
1201 THIRD AVENUE  
SUITE 5200  
SEATTLE, WASHINGTON 98101-3071  
(206) 340-1000

1 of this notice of removal are submitted at Exhibit A to the Declaration of Rodney Q. Fonda,  
2 pursuant to Local Rule ("LR") 101(b).

3 Defendant ACE American was served via statutory service of process on the  
4 Washington State Insurance Commissioner (the "Insurance Commissioner"). The Insurance  
5 Commissioner received a copy of the state court action on July 6, 2012, and simultaneously  
6 accepted service on Defendant ACE American. A copy of the Certificate of Service from the  
7 Insurance Commissioner's office confirming the dates of service is attached as Exhibit B to the  
8 Declaration of Rodney Q. Fonda.

9 3. In the state court action, plaintiff's complaint seeks damages in connection with  
10 an engine damage claim on plaintiff's yacht, for which defendant provided insurance coverage  
11 via a Yachtsman/Boatsman policy. As the subject matter of this insurance contract is maritime  
12 in nature, federal admiralty jurisdiction applies and accordingly the case is one which may be  
13 removed to this Court pursuant to 28 U.S.C. § 1441(a).

14 4. This Notice of Removal is timely, in that it is being filed within thirty (30) days  
15 of receipt of service of the state court action on the defendant who was served through the  
16 Washington State Insurance Commissioner on July 6, 2012. Pursuant to 28 U.S.C. § 1446(d),  
17 ACE American is also concurrently and timely filing a copy of this Notice of Removal in the  
18 state court action.

19 DATED this 30<sup>th</sup> day of July, 2012.

20 COZEN O'CONNOR

21 By: /s/ Rodney Q. Fonda  
22 Rodney Q. Fonda, WSBA No. 6594  
23 1201 Third Avenue, Suite 5200  
24 Seattle, WA 98101  
25 Telephone: 206.340.1000  
26 Toll Free Phone: 1.800.423.1950  
Facsimile: 206.621.8783  
Attorneys for Defendant ACE American  
Insurance Company

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441  
(B) (DIVERSITY) - 2

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 30, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I further certify that on July 30, 2012, I served a copy of the foregoing document upon the following interested parties in the manner indicated below:

Shane C. Carew, WSBA No. 10988 Carew Law Office 5450 California Avenue SW, Suite 101 Seattle, Washington 98136 Phone: (206) 587-0590 Fax: (260) 587-2388 Email: <a href="mailto:shane@carewlaw.com">shane@carewlaw.com</a>  <i>Attorneys for Plaintiff</i>	( ) Via Legal Messenger ( ) Via Overnight Courier ( ) Via Facsimile (X) Via U.S. Mail (X) Via Email
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DATED this 30<sup>th</sup> day of July, 2012.

COZEN O'CONNOR

By: /s/ Bonnie L. Enera  
Bonnie L. Enera, Legal Assistant to  
Rodney Q. Fonda  
1201 Third Avenue, Suite 5200  
Seattle, WA 98101  
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NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441  
(B) (DIVERSITY) - 3

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